

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 13443

PERMIT 8005

LICENSE 6971

ORDER CORRECTING THE DESCRIPTION OF THE  
POINT OF DIVERSION AND PLACE OF USE  
AND CHANGING THE PLACE OF USE

WHEREAS:

1. License 6971 was issued to Charles P. Burns and Lillian Burns and recorded with the County Recorder of Napa County in Volume 691, Page 654 on January 28, 1964.
2. License 6971 was subsequently assigned to Russell J. and Susan K. Toscani.
3. The USGS Quadrangle Map - Napa 7.5 minute series, 1951 as photorevised in 1980 shows the point of diversion for this project within the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected Section 8, T5N, R4W, MDB&M. Therefore, correction in the description of the point of diversion under said license is needed.
4. A request to correct the description for the point of diversion and place of use and a petition to change the project by adding 5 acres to the place of use has been filed with the State Water Resources Control Board.
5. License 6971 should also be updated to contain the current standard conditions pertaining to the Board's continuing authority and public trust responsibilities.
6. The State Water Resources Control Board has determined that said corrections of the description of the point of diversion and the place of use, and change to increase the place of use will not initiate a new right nor operate to the injury of any other lawful user of the water and that good and sufficient cause has been shown for said corrections and change.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Point of diversion under License 6971 be corrected to read:  
  
North two thousand (2,000) feet and East one hundred (100) feet from the SW corner of projected Section 8, T5N, R4W, MDB&M being within the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said projected Section 8, also described as California Coordinate System, Zone 2, N 227,800 and E 1,904,000.
2. The description of the existing place of use be amended to read:  
  
Domestic use and irrigation use on 6 acres within the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 8, T5N, R4W, MDB&M.  
  
Irrigation of 2 acres within the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 7, T5N, R4W, MDB&M.

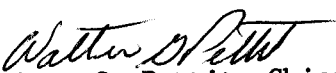
3. The existing license conditions pertaining to the Board's continuing authority are amended to conform to California Code of Regulations, Section 780(a) as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

Dated: JANUARY 10 1969

  
Walter G. Pettit, Chief  
Division of Water Rights

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STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 13443

PERMIT 8005

LICENSE 6971

THIS IS TO CERTIFY, That

Charles P. Burns and Lillian Burns  
1099 Sunset Road  
Napa, California

*over acre*

have made proof as of May 8, 1963,  
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of  
an unnamed creek in Napa County

tributary to Napa River

for the purpose of domestic and irrigation uses  
under Permit 8005 of the State Water Rights Board and that said right to the use of said water has been  
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the  
terms of the said permit; that the priority of the right herein confirmed dates from November 3, 1949  
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited  
to the amount actually beneficially used for said purposes and shall not exceed five (5) acre-feet per annum  
to be collected from about November 1 of each year to about June 30 of the  
succeeding year.

The point of diversion of such water is located :

South two thousand (2000) feet and east two thousand (2000) feet from NW corner  
of projected Section 8, T5N, R4W, MDB&M, being within SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 8.

A description of the lands or the place where such water is put to beneficial use is as follows:

Domestic use and irrigation of 3 acres within SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected Section 8,  
T5N, R4W, MDB&M.

All rights and privileges under this license including method of diversion, method of use and quantity of water  
diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the  
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of  
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time  
to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein  
specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

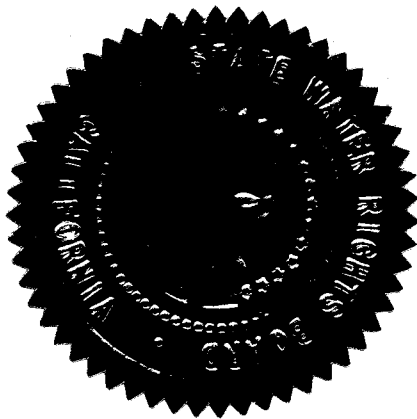
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: JAN 28 1964



*L. K. Hill*  
L. K. Hill  
Executive Officer

*6/23/87 Aspl to Russell + Susan Coscari*

LICENSE 6971

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

LICENSE  
TO APPROPRIATE WATER

Charles P. Burns and  
ISSUED TO Lillian Burns

JAN 28 1964

DATED

47688 8-61 3M ① SPO

DEC 6 '63 A.C.P.

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